

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MEDLINE INDUSTRIES, INC.,	)	
	)	
Plaintiff,	)	Case No. 08 CV 4469
	)	
v.	)	Judge Ronald A. Guzman
	)	
RF SURGICAL SYSTEMS, INC.	)	<b>JURY DEMANDED</b>
	)	
Defendant.	)	

**FED.R.CIV.P. 26(F) INITIAL JOINT STATUS REPORT**

Pursuant to Fed. R. Civ. P. 26(f), the parties conducted a telephonic discovery conference on August 29, 2008. The parties now file their Initial Joint Status Report.

**A. Nature of the Case**

Plaintiff's complaint consists of three counts: One count of Breach of Contract and two counts seeking Declaratory Judgment. Medline is a supplier of certain products manufactured by RF Surgical, and is licensed to manufacture and distribute related products. Each of the counts asserted in the Complaint concern Medline's allegations that RF Surgical has breached or announced its intention to breach the terms of the supply agreement.

RF Surgical answered denying any wrongdoing. RF Surgical also raised the affirmative defenses of failure to state a claim; RF Surgical has met its obligations; Medline lacks standing as an exclusive distributor of RF Surgical products; Medline has no damages; and Medline has unclean hands.

**B. Possibilities of Prompt Settlement of Case**

The parties held an unproductive meeting on September 2, 2008.

**C. Rule 26(a)(1) Disclosures**

The parties will exchange Rule 26(a)(1) disclosures on or before September 22, 2008.

**D. Proposed Discovery Plan**

The parties attach hereto a proposed discovery plan for consideration by the Court.

Respectfully submitted on: September 3, 2008

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the **Fed.R.Civ.P. 26(F) Initial Joint Status Report** was filed electronically in compliance with the General Order on Electronic Case Filing, Section III(B)(1). As such, these documents were served on all counsel who are deemed to have consented to electronic service. Fed. R. Civ. P. 5(b)(2)(D) and Local Rule 5.9.

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	)	
Defendant.	)	

**[PROPOSED] JOINT DISCOVERY PLAN**

1. All fact discovery shall be completed no later than May 29, 2009.

**Motions**

2. Plaintiff shall be allowed to join additional parties or amend pleadings within 60 days following this Order's entry. Thereafter, joinder or amendment shall be made only pursuant to leave from the Court.
3. All dispositive motions shall be filed no later than August 31, 2009.

**Expert Testimony**

4. Disclosure of expert testimony shall occur no later than June 30, 2009. Thereafter, each party shall have thirty (30) days to serve objections to any other party's expert witnesses. Such objections may be made by a motion to strike or limit expert testimony and shall be accompanied by a copy of the report disclosed in order to provide the court with all of the information necessary to make a ruling on any objection.

5. Expert testimony that is solely intended to contradict or rebut expert testimony on the same subject matter identified by another party under the preceding paragraph shall be disclosed no later than thirty (30) days after such disclosure is made.

Final Pretrial Order

6. Final lists of witnesses and exhibits and proposed stipulations and jury instructions under Local Rule 16.1 shall be provided by plaintiff to defendant on September 30, 2009, and by defendant to plaintiff on October 15, 2009. Parties shall have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).
7. The Final Pretrial Order shall be filed on October 30, 2009 and the Final Pretrial conference shall be held on November \_\_\_\_, 2009.

Trial

8. This case is set for a jury trial at \_\_\_\_:\_\_ a.m. on \_\_\_\_\_, 20\_\_, at which time the parties must be ready for trial.

Settlement

9. Plaintiff's counsel shall IMMEDIATELY notify the court upon settlement.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2008

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Hon. Ronald A. Guzman  
UNITED STATES DISTRICT JUDGE